

LOWER PAXTON TOWNSHIP ZONING HEARING BOARD

Meeting of August 28, 2014

Members Present

Greg Sirb
Jeff Staub
Sara Jane Cate
David Dowling
Alan Hansen

Also in Attendance

James Turner
Amanda Zerbe

SE 14-04

Applicant: K&T Enterprises

Address: 6332 Flank Drive
Harrisburg, PA 17112

Property Owner: K&T Enterprises

Property Address: 6332 Flank Drive
Harrisburg, PA 17112

Section 805 a (3): Expansion of a nonconforming, non-residential use is allowed by Special Exception approved by Zoning Hearing Board.

A Special Exception is required to expand the footprint of the existing building by 3,625 square feet. This parcel was designated in the Light Industrial District when the existing building was constructed in 1996 and was compliant with the permitted uses for the businesses located within the structure. With the adoption of the 2004 Comprehensive Plan and Ordinance 04-04, the property was placed within the Business Campus District creating both tenants of the building as legal nonconforming uses.

The Applicant wishes to establish a Beauty Salon at 1204 Springfield Street in the R-1 Low Density Residential District

Grounds: Section 805 a (3)

Fees Paid: July 30, 2014

Property Posted: May 12, 2014

Advertisement: Appeared in The Paxton Herald on May 7, 2014 and May 14, 2014.

The hearing began at 8:27 p.m.

Mr. Sirb swore in Charles Suhr, Attorney with Stevens and Lee, representing the applicant; Tim Taggart, Property Owner, and Tom Maddison, Diehm and Sons.

Mr. Sirb noted that Amanda Zerbe, Planning and Zoning Officer for Lower Paxton Township was previously sworn in.

Mr. Sirb questioned if the appropriate fees were paid for this application and if the property posted. Ms. Zerbe advised that the appropriate fees were paid on July 30, 2014, and the hearing was advertised in The Paxton Herald on August 13, 2014 and August 20, 2014. She noted that the hearing notices were posted on August 18, 2014.

Mr. Sirb requested Ms. Zerbe to explain what ordinances pertain to this application. Ms. Zerbe explained that a Special Exception is required to expand the footprint of the existing building by 3,625 square feet. This parcel was designated in the Light Industrial District when the existing building was constructed in 1996 and was compliant with the permitted uses for the businesses located within the structure. With the adoption of the 2004 Comprehensive Plan and Ordinance 04-04, the property was placed within the Business Campus District creating both tenants of the building as legal nonconforming uses. She noted that under Section 805 C (3): Expansion of a nonconforming, non-residential use is allowed by Special Exception approved by Zoning Hearing Board. The expansion of the building will be dimensionally conforming to the current BC District regulations.

Mr. Charlie Suhr, Stevens and Lee, noted that he is representing the applicant K&T Enterprises. He noted that they own a one-acre site at 6332 Flank Drive which is developed with a 10,000 square foot building which was built in 1989. He noted that it is currently occupied with two uses, the primary use is Mid-Atlantic Machinery (MAM) which is the property owner's business. He noted that there is also a rental space in that unit. He noted the best that he can classify the industrial use is that it is for industrial equipment for sales, service and rental, which is what is occurring in the building. He noted that it is currently zoned BC District and is nonconforming. He noted that it was within the LI District which was permitted at that time before the property was rezoned.

Mr. Suhr noted that the request is to expand the existing building by 3,625 square feet; the expansion will be dimensional conforming to all setback and pervious and those types of things. He noted that we are not dealing with those issues; only that it is a non-conforming use. He noted that since it is greater than 5% of the total building being expanded a special exception was needed.

Mr. Suhr noted that two people are present to provide testimony, first is Tim Taggart who is the T in the K&T Enterprise and the property owner, and Tom Maddison who is the project manager who will go through the site plan briefly.

Mr. Suhr distributed a packet of exhibits that he would go through. He noted that Exhibit 1 is the application which was filed, the form and narrative which listed the reasons for the application. He noted that Exhibit 2 is an old zoning map that shows that this property was conforming when the property was purchased. He noted that the property was located in the LI District and is south of I-81 and east of Mountain Road. He noted that the zoning map is from 1994 and the property was purchased in 1996, and at that time the front property was zoned LI.

Mr. Suhr noted Exhibit 8 is the section of the old zoning ordinance for LI zoning regulation from that time period, the pre-2006 Zoning Ordinance regulations. He noted that the uses are in the range of 354, 355, 362 or 369 as listed in that regulation. He noted that it would encompass uses such as metal working machinery equipment, special industry machinery, except metalworking machinery, electrical industrial apparatus, and miscellaneous electrical machinery equipment and supplies. He noted that is the ordinance that established that it was conforming.

Mr. Suhr noted that Exhibit 3 is Ordinance 4-04 which created the BC District which made the existing use nonconforming because it was a non-permitted use.

Mr. Suhr requested Mr. Taggart to introduce himself. Tim Taggart explained that he lives in Hershey Pennsylvania.

Mr. Suhr questioned what Mr. Taggart's relationship is to the applicant which is K&T Enterprise. Mr. Taggart answered that he is the "T" in the K&T and he purchased the property in 1996 and he is in a partnership owner.

Mr. Suhr questioned if the major tenant of the property is Mid-Atlantic Machinery (MAM). Mr. Taggart answered that is correct.

Mr. Suhr requested Mr. Taggart to describe what MAM is. Mr. Taggart answered that MAM is a distributor of metal fabricating equipment, anything having to do with flat metal to sell machinery such as press grade shears and lasers to the fabricating industry throughout the east coast.

Mr. Suhr showed Mr. Taggart Exhibit 4, the deed for the property and asked him if it was the deed. Mr. Taggart answered that was correct. Mr. Suhr noted that Mr. Taggart purchased the property in 1996, K&T Enterprise. Mr. Taggart answered yes.

Mr. Suhr questioned if Mr. Taggart is currently involved with MAM. Mr. Taggart answered at this moment no. Mr. Suhr questioned if he was retiring out. Mr. Taggart answered that he retired and until the partnership purchases him, the "K" is the principal owner of the machinery company now.

Mr. Suhr questioned Mr. Taggart if he is the owner of the property. Mr. Taggart answered that is correct.

Mr. Suhr questioned Mr. Taggart if he has historical knowledge of the machinery when it started to operate. Mr. Taggart answered for over 22 years.

Mr. Suhr noted when Mr. Taggart purchased the property in 1996, did it have a 10,000 square foot building on the property. Mr. Taggart answered yes.

Mr. Suhr questioned since 1996, had Mr. Taggart expanded the building at all. Mr. Taggart answered no.

Mr. Suhr questioned how many employees are there at MAM. Mr. Taggart answered that there are seven internal employees.

Mr. Suhr questioned what percentage of the building is being used. Mr. Taggart answered that the office building is 2,000 square feet and the showroom is using 3,000 square feet. Mr. Suhr questioned if there is a rental component to the property. Mr. Taggart answered that it is 5,000 square feet. Mr. Suhr questioned what is in that location. Mr. Taggart answered that it is empty. Mr. Suhr questioned what was in that location. Mr. Taggart answered that the Xerox Company was using that property.

Mr. Suhr noted as you have the properties now, as far as you are aware of, is the site adequate for parking, access and signage. Mr. Taggart answered yes.

Mr. Suhr noted that there is a proposed expansion, looking at some of the drawings that Mr. Maddison will go through, but basically you are adding a 3,625 square foot addition. Mr. Taggart answered that was correct.

Mr. Suhr questioned if Mr. Taggart was aware of what was going on. Mr. Taggart answered yes.

Mr. Suhr questioned why the addition. Mr. Taggart answered that they don't have a showroom large enough to show some of the equipment that they have as some pieces are larger than the 3,000 square feet can house, so the expansion will provide the ability to unload machinery much better and show it. Mr. Suhr questioned if the unloading will occur inside the building. Mr. Taggart answered that it will allow a truck to drive and unload inside the building instead of doing it on the driveway.

Mr. Suhr questioned if Mr. Taggart anticipated generating additional employees for this expansion. Mr. Taggart answered that they might hire one or two persons.

Mr. Suhr questioned if additional customers or other car traffic would occur. Mr. Taggart answered that he has a showroom now, but as far as additional traffic, no.

Mr. Suhr questioned if there would be additional truck traffic. Mr. Taggart answered no more than we have now.

Mr. Suhr noted that the purpose is to make it easier and more convenient for the current operations. Mr. Taggart answered that is exactly correct.

Mr. Suhr questioned Mr. Taggart if he was familiar with the application that was filed for this special exception. Mr. Taggart answered yes.

Mr. Suhr noted that we will hear from Tom Madison from Diehm and Sons. He questioned if he was authorized to provide testimony on Mr. Taggart's behalf. Mr. Taggart answered yes.

Mr. Suhr noted if the special exception was approved, do you have an anticipated construction date. Mr. Taggart answered that they hope to start in January 2015 and be finished in April of 2015.

Mr. Suhr requested Mr. Madison to introduce himself to the Board. Mr. Tom Madison explained that he works for Diehm and Sons, a surveying and engineering firm in Lititz where he is a project manager and have been there for a little over eight years.

Mr. Suhr questioned if he was responsible for the preparation of the plans and drawings that we are seeing this evening. Mr. Madison answered yes.

Mr. Suhr questioned if he was familiar with Zoning Hearing Board practice. Mr. Madison answered, very, noting that in addition to representing clients he is also a member of the Zoning Hearing Board where he lives in Lancaster County. Mr. Suhr questioned if that is Moore Township. Mr. Suhr noted that he has gone before Mr. Madison before.

Mr. Suhr questioned if Mr. Madison was familiar with the application that was filed this evening. Mr. Madison answered yes.

Mr. Suhr questioned if he was familiar with the zoning ordinance for the property surrounding the subject property. Mr. Madison answered yes.

Mr. Suhr questioned if he heard the testimony about K&T Enterprise. Mr. Madison answered yes.

Mr. Suhr questioned if Mr. Madison could look at the site plan that was submitted, Exhibit 5 that shows the current use as well as the expansion. Mr. Madison answered yes.

Mr. Suhr questioned how big the overall property is. Mr. Madison answered that it is 1.027 acres.

Mr. Suhr questioned if the street in front is Flank Drive, and if Aster Drive is to the eastern side. He noted that I-81 is to the north. Mr. Madison answered that is correct.

Mr. Suhr questioned what the current building size is. Mr. Madison answered that it is 10,000 square feet.

Mr. Suhr questioned how many parking spaces are there now. Mr. Madison answered that there are sixteen spaces on the site currently.

Mr. Suhr noted that zoning data for the Business Campus lists the various dimensional requirements for parking. He questioned if the property is currently dimensionally conformant. Mr. Madison answered the parking does not conform to the current requirements but in every other way the building is conforming. Mr. Suhr questioned what is wrong with the parking. Mr. Suhr answered that there is insufficient space behind the parking spaces to properly navigate so it is a tight arrangement as it is today. Mr. Suhr questioned if it is a dimensional nonconformity. Mr. Madison answered yes.

Mr. Suhr questioned when the photographs were taken for Exhibit 7a. Mr. Madison answered that they were taken on a Monday afternoon in mid-June.

Mr. Suhr questioned if that is one of the surveyors in the picture. Mr. Madison answered yes, noting that he is one of the surveyors.

Mr. Suhr questioned if he took the photographs or did someone else take them. Mr. Madison noted that one of his surveyors took the photographs.

Mr. Suhr noted that this is at the property looking west. Mr. Madison noted that this is looking down Flank Drive towards Blue Ribbon Avenue.

Mr. Suhr questioned for Exhibit 7-, if it is looking to the east at Flank Drive and Aster Drive and the tri-pod is on the property. Mr. Madison answered yes, on Aster Drive.

Mr. Suhr questioned if Exhibit 7-C is showing the corner of the subject building. Mr. Madison answered that was correct.

Mr. Suhr questioned if Exhibit 7-D is the full profile of the subject building. Mr. Madison answered that was correct.

Mr. Suhr questioned what side of the building MAM is located at. Mr. Madison answered that as you look at that building it would be on the right half of the building. Mr. Suhr noted that there are garage doors, noting that Mr. Taggart testified that he would drive the trucks into the building and that is what they are for. Mr. Madison answered that was correct.

Mr. Suhr questioned what is Exhibit 7-E. Mr. Madison answered that it is a photo looking down Flank Drive looking east as you can see the edge of the existing building on the far left side of the picture. He noted that the site continues a little on the left side of the picture.

Mr. Suhr questioned what is Exhibit 7-F. Mr. Madison answered that it is the position to the south east corner of the property looking back at the building, the lawn area to the right is where the proposed expansion will be located. Mr. Suhr noted the building is just being built out farther. Mr. Madison answered that is correct. Mr. Suhr noted not to the front or back.

Mr. Suhr noted that Exhibit 5 shows the building expansion. He questioned how big that will be. Mr. Madison answered that it is 60 foot, five inches by 60 foot even and it is 3,625 square feet.

Mr. Suhr questioned if the building expansion will be conforming to the setbacks and pervious coverage. Mr. Madison answered yes.

Mr. Suhr noted that there are some changes to the parking; he asked Mr. Madison to describe what he is doing there. Mr. Madison noted that he would add some additional macadam along the front of the parking lot to change the spaces from angle spaces to straight 90 degree parking spaces and also provide the required area of space behind the parking spaces so the cars can get out of the spaces easier. He noted that he will also provide additional parking in front of the building addition. He explained that he will be increasing the parking on the property by two spaces so there will be 18 spaces when he is finished and all but the four spaces that are at the far western end are proposed to remain as is as they function well in their current configuration. He noted that the rest of the parking that is there now that does not function well will be replaced and brought up to current standards.

Mr. Suhr questioned if the driveway is moving to the east. Mr. Madison answered that is correct. Mr. Suhr questioned what the purpose for moving the driveway is. Mr. Madison answered that the client is putting in a larger garage door in the expansion so they can drive trucks straight in the driveway and right into the building. He noted that is why the driveway is being shifted. Mr. Suhr questioned if the unloading will occur within the building. Mr. Madison answered yes.

Mr. Suhr requested Mr. Madison to explain Exhibit 6. Mr. Madison explained that it is a preliminary building plan that was provided by the builder who is working with MAM on the building. He noted that he does not have much information about it but he wanted to include it so the Board would have an idea of what the expansion would look like.

Mr. Suhr noted that the garage door that lines up with the driveway would provide for a straight in and you would have adequate height for that. Mr. Madison answered yes. Mr. Suhr noted that is the key for the expansion and the driveway change.

Mr. Suhr noted that he would like to go through some of the nonconforming standards for expansion. He questioned Mr. Madison if he was familiar with the standards found in Section 805 c (3). Mr. Madison answered yes.

Mr. Suhr noted that Section A, it is more than a five percent expansion in the total floor area, is that correct. Mr. Madison answered yes.

Mr. Suhr noted that Section B requires that all the expansion be on the same lot, as when it became nonconforming, is that the case here. Mr. Madison answered yes noting that this lot was subdivided in 1983 at its current configuration and it has remained the same.

Mr. Suhr noted that Section C says that you can't increase the nonconformity by more than 50%. He noted that he has looked at this in two measurements, first the building size going from 10,000 square feet to 13,365 square feet. He questioned what percentage increase is that. Mr. Madison answered that it is an increase of 36.3%.

Mr. Suhr noted that looking at the impervious coverage, all the paved area, is there a changes in numbers there. Mr. Madison answered that current coverage on the property is 41.6% and after the proposed expansion it will be 54.4%, an increase of 30.8%, less than 50%. Mr. Suhr noted that either expansion is under 50%. Mr. Madison answered that was correct. Mr. Suhr noted that this is the first expansion that has occurred for the building. Mr. Maddison answered yes.

Mr. Suhr noted for Section D, it stated that any expansion of a nonconforming use shall meet the required setbacks and other requirements of the Ordinance, is that correct. Mr. Madison answered yes. Mr. Suhr questioned if the plan meets that. Mr. Madison answered yes.

Mr. Suhr noted that the special exception standards as found in Section 116 C. He noted that Mr. Madison already testified that he is complying with the ordinance. He questioned if it would require a land development plan. Mr. Madison answered yes. Mr. Suhr noted that it would be submitted afterwards assuming that the Special Exception is granted.

Mr. Suhr questioned if there are any other laws impacted other than the subdivision land development ordinance. Mr. Madison answered that we would need a NPDES Permit, but other than that no. Mr. Suhr questioned if that would be handled during the land development stage. Mr. Madison answered yes.

Mr. Suhr noted that Section 3 has to deal with traffic and he noted that Mr. Taggart testified that he does not anticipate any more customers coming in but they may hire two more employees. He questioned Mr. Madison if he would anticipate any more traffic issues. He noted that there is the picture of Flank Drive, Exhibit 7-E showing no traffic, but it is a fairly wide street. Mr. Madison answered yes. Mr. Suhr questioned if it was built for commutability for trucks and other vehicles. Mr. Madison answered yes.

Mr. Suhr questioned if Flank Drive will be able to accommodate increased truck traffic, one more truck. Mr. Madison answered yes.

Mr. Suhr noted that Section 4 concerns site planning noting proper site circulation, parking, landscaping and buffering etc. He noted that Mr. Madison testified about the access coming into the driveway and parking that has been improved. Mr. Madison answered that was correct.

Mr. Suhr noted that there will be a land development plan. Mr. Madison answered yes.

Mr. Suhr noted that Section 5 deals with the neighborhood: he asked him to describe the neighborhood. Mr. Madison answered that it is a business/industrial park as the site used to be zoned Light Industrial which makes up the majority of the uses noting that MAM would fit very well into this area, as there are other equipment dealers and other types uses in there. He noted that it is very common in that area. He questioned if there would be any change or impact on the neighbors based upon this expansion. Mr. Madison answered no.

Mr. Suhr questioned if there were any safety issues applicable here. Mr. Madison answered no.

Mr. Suhr noted that the last issue is natural features noting that we have a developed site. Mr. Madison answered that was correct. He questioned if there is any impact on any natural features that you are aware of. Mr. Madison answered no.

Mr. Suhr noted that is all he had.

Mr. Dowling questioned Mr. Madison what his name is and where he is a member of the Zoning Board. Mr. Madison answered Warwick Township.

Mr. Dowling noted that he would like Mr. Madison to image that he was on this Zoning Board and he questioned what would be his first and best question for this application. Mr. Madison noted that it not fair. He noted with the expansion of the use will there be enough parking for the permitted use for the building. Mr. Dowling requested Mr. Taggart to answer the question. Mr. Taggart answered that the parking is adequate now as he has never filled all the spaces with the employees that he has and he has always had plenty of room.

Mr. Sirb questioned what the required minimum is for nine employees s they currently have seven and may add two more, with the new footprint adding 10,365 square feet. Mr. Staub questioned if he did that calculation on the site plan. Mr. Madison noted that the numbers have changed from what we have on the site plan submitted but he can tell what the numbers are. Mr. Sirb suggested that it shouldn't change between industrial use and BC.

Mr. Madison noted that there are some permitted uses that would probably be excluded due to the limited amount of parking but there would still be several uses permitted that would be allowed to move in the building, furthermore MAM is doing this specifically so that they can

stay in this location for the extended future. He noted that the likelihood of another use or a substitution of another nonconforming industrial use is not something that is on the horizon for anytime soon. He noted that is the response that he would offer.

Mr. Dowling questioned if this business generates a lot of customer traffic. Mr. Taggart answered that most of his customers are salesmen that go out to visit, noting that we only have people who are invited to come into the showroom and that can happen once a week, maybe twice a week, but it is not heavy traffic.

Mr. Suhr noted if another industrial use came in here they would have to go before the Board for a special exception change to another nonconforming use so certainly the new use would generate a different parking demand or different traffic pattern coming in here that would have to be presented to the Zoning Hearing Board.

Mr. Turner questioned if the use changed in the future and you had a new permitted use, they would have to get a certificate of occupancy from the Township. Ms. Zerbe answered that they would need a zoning permit as well. Mr. Turner questioned if it would address if there was sufficient parking. Ms. Zerbe answered that was correct. Mr. Turner noted if there was a permitted use for the site that may not have sufficient parking they would not be granted a zoning permit. Ms. Zerbe answered that was correct.

Mr. Sirb questioned with new employees and the new parking configuration do you feel that you can have 18 spaces. Mr. Madison answered yes. Mr. Sirb questioned if they will all be conforming spaces. Mr. Madison answered yes. He noted that he can't testify for the four spaces along Aster Drive because he has not done a measurement for those to know if they are precisely conforming but they are close. He noted that the angle parking does not comply with today's standards.

Mr. Staub questioned if we are also talking about the 5,000 square feet that is currently vacant. Mr. Madison answered yes. Mr. Staub questioned if he was anticipating a similar use to what he is doing for a new tenant. Mr. Taggart noted that it has been filled with a sales organization in the past and he is hoping for the same in the future. Mr. Staub noted that you probably don't know who the new tenant will be but you are hoping that they will not overwhelmed the off-street parking facility.

Mr. Turner noted that the new tenant would need a zoning permit. Ms. Zerbe noted that they would need a zoning permit and a change of use for the building.

Ms. Cate questioned why Mr. Taggart decided to build an addition rather than use the current vacant area. Mr. Suhr answered that the main reason was the access so that they could drive into a bigger space. He noted that moving into the other area does not solve that problem.

Mr. Taggart noted that he is looking for better access for unloading the machinery as well as the larger showroom.

Mr. Dowling questioned what is the size of the machinery and what does it actually do. Mr. Taggart answered that he is a sales organization and he does demonstrate some of the machinery at their location. He noted that the shear and press brake, he will invite customers in to show what it will do, how it will bend metal, how the lasers cut metal. He noted that we don't set up every piece of machinery but we want access to be able to do so if needed. He noted that we have six salespersons on the road who cover from Pittsburgh to Delaware to the New York Line. He noted that customers are invited by invitation to view how the equipment works. He noted that it could be a saw or a shear to bend metal.

Mr. Dowling questioned who would buy the equipment. Mr. Taggart answered in Pennsylvania alone, he has over 6,000 customers that have the potential to buy it, such as Harley Davidson, who might purchase a press to form the gas tanks, and then a laser to cut it afterwards. He noted that it could be Case New Holland who has dozen of the lasers that they use to cut metal to form their agricultural equipment.

Mr. Staub questioned if there is a home owner's association in this industrial park. He noted that back in 1970's it was called Heatherwood and it was an offshoot of Heatherfield. He noted that much of the architecture is very similar particularly the buildings along Route 22. He questioned if there is any architectural review committee or organization that monitors building additions. He noted that the addition does not quite fit the architecture for what is there currently. He noted that you have drive-it with a one-story mansure and then you are adding a metal building beside it that is 11 feet higher than the existing building. Mr. Taggart replied that he can't answer that as he purchased the building when it was 13 years old and it was probably one of the first buildings in that area. He suggested that it was one of the first buildings in the Gateway Corporate Center.

Mr. Suhr questioned Mr. Taggart if there was any association that was in control. Mr. Taggart answered no. Mr. Staub questioned if there were any architectural controls for this development. Mr. Taggart answered not that he is aware of.

Mr. Sirb questioned if anyone in the audience wished to be heard in regards to the application. No response was heard.

Mr. Sirb noted that the Board has 45 days to render a decision with respect to this application and he questioned if any members of the Board wish to take action at this time on SE 14-04.

Mr. Staub questioned if the Planning Commission weighed in on this application. Ms. Zerbe answered no. Mr. Staub questioned if a special exception has to be reviewed by the Planning Commission. Ms. Zerbe questioned after the variance is granted. Mr. Staub suggested that they must look at it before it would come to the Zoning Hearing Board.

Mr. Suhr noted that the plan must go to the Planning Commission for the land development phase. He noted if you look at Section 116, B.4, Township Staff should offer a special exception application to the Planning Commission for advisory review that the

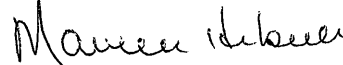
Commission may wish to provide; however, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Township Planning Commission has provided comments.

Mr. Staub noted that the Zoning Hearing Board has received recommendations in the past from the Planning Commission.

Ms. Hansen made a motion to approve special exception 14-03. Mr. Dowling seconded the motion. Mr. Turner conducted a roll call vote: Mr. Hansen, aye; Mr. Staub, aye; Mr. Dowling, aye; Mrs. Cate, aye; and Mr. Sirb, aye. Mr. Sirb noted the application has been approved.

The hearing ended at 9:06 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
K & T ENTERPRISES : DOCKET NO. SE 14-04

DECISION GRANTING SPECIAL EXCEPTION

The applicant seeks a special exception to expand a non-conforming use. A hearing on the application was held on August 28, 2014.

Facts

1. The applicant and owner of the property in question is K & T Enterprises of 6332 Flank Drive, Harrisburg, Pennsylvania 17112. The applicant was represented at the hearing by Tim Taggert, a principal in the owner, and by Charles Suhr, Esquire. Appearing on behalf of the applicant was Tom Mattheson, Project Manager.

2. The property in question is located on the northeast corner of Flank Drive and Aster Drive and consists of a 1.027 acre parcel which is improved with a commercial building. The parcel is zoned Business Campus, although it was previously developed under a Light-Industrial zoning classification.

3. The building is currently occupied by Mid-Atlantic Machinery Company which occupies the eastern half of the building. The western half is unoccupied. Mid-Atlantic is involved in the sale of industrial equipment.

4. The applicant proposes to add a 3,625 square feet addition to the east side of the building to be occupied by Mid-Atlantic. The additional space would be used primarily for equipment demonstration and would allow delivery trucks to pull into the building to facilitate unloading and loading of equipment.

5. Total impervious coverage following the proposed improvements will be 54.4%. No additional traffic will be generated by the improvements. All building setbacks will be met.

6. Notice of the hearing was posted and advertisement made as required by the ordinance.

7. No one other than the applicant appeared to testify in favor of or against the proposed special exception.

Conclusions

1. Section 306.B.1 of the ordinance sets forth the permitted uses in the Business Campus zoning district. The proposed (and existing) use by Mid Atlantic Machinery is not a permitted use.

2. Section 805(c)(3) of the ordinance grants to the Zoning Hearing Board the power to grant special exceptions to increase a non-conforming use subject to the conditions set forth therein and in Article 1 pertaining to special exceptions generally.

3. The Board finds that the conditions set forth in Section 805 pertaining to the expansion of non-conforming uses have been met. The total increase of the non-conformity is not in excess of fifty percent, the construction is confined to the original lot and required setbacks are met.

4. Granting the special exception is in compliance with other applicable laws and regulations. Traffic from the proposed use can be accommodated by the existing network. The site has appropriate layout and internal circulation and will not substantially change the character of the neighborhood, of which the applicant is a well-established member.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the special exception should be and is hereby granted allowing the expansion of the existing non-conforming use in strict conformity with the plans and testimony submitted to the Board.

Date: 10/10/14

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ZONING HEARING BOARD

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